

STATE OF NEW JERSEY  
DIV. OF CONSUMER AFFAIRS  
BOARD OF MARRIAGE  
& FAMILY THERAPY

2009 DEC 17 A 10:39

**FILED**

*December 17, 2009*  
STATE OF NEW JERSEY  
BOARD OF MARRIAGE AND FAMILY THERAPY EXAMINERS  
ALCOHOL AND DRUG COUNSELOR COMMITTEE

*Charles L. DeMott*

STATE OF NEW JERSEY  
DEPARTMENT OF LAW & PUBLIC SAFETY  
DIVISION OF CONSUMER AFFAIRS  
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE STATE BOARD  
OF MARRIAGE AND FAMILY THERAPY  
EXAMINERS

---

IN THE MATTER OF THE SUSPENSION	:	
OR REVOCATION OF THE LICENSE OF	:	Administrative Action
	:	
LUIS E. HERNANDEZ, LPC	:	
LICENSE NO. 37PC00374500	:	FINAL ORDER OF
	:	DISCIPLINE
TO ENGAGE IN THE PRACTICE OF	:	
PROFESSIONAL COUNSELING IN THE	:	
STATE OF NEW JERSEY	:	

---

THIS MATTER was opened to the Professional Counselors Examiners Committee of the New Jersey State Board of Marriage and Family Therapy Examiners ("Committee") upon receipt of information which the Committee has reviewed and on which the following findings of fact and conclusions of law are made;

FINDINGS OF FACT

1. Respondent is a professional counselor in the State of New Jersey and has been a licensee at all times relevant hereto.
2. On May 8, 2008, the Committee filed a "Consent Order of Licensure With Restrictions" ("Consent Order") requiring Respondent

to attend individual, insight-oriented psychotherapy to include boundary issues and further requiring Respondent to cause the therapist to provide quarterly reports to the Committee, among other additional conditions.

3. Respondent has failed to attend psychotherapy sessions and has failed to provide quarterly reports to the Committee. On August 13, 2009, Respondent admitted, under oath, that he did not attend any counseling or therapy for over one year.

#### CONCLUSIONS OF LAW

Pursuant to N.J.A.C. 13:45C-1.4, a licensee's failure to comply with an order of the Board or Committee is deemed professional or occupational misconduct. Respondent's failure to comply with the "Consent Order of Licensure With Restrictions" constitutes professional or occupational misconduct and provides grounds for the suspension of Respondent's license to practice professional counseling in New Jersey pursuant to N.J.S.A. 45:1-21(e).

#### DISCUSSION ON FINALIZATION

Based on the foregoing findings and conclusions, a Provisional Order of Discipline ("POD") was entered by this Committee on October 20, 2009 and served upon Respondent. The Respondent responded by letter dated October 30, 2009 to the POD. The prosecuting Deputy Attorney General responded by letter dated November 19, 2009.

In his response, the Respondent stated that in 2007 he attended individual, insight-oriented psychotherapy with Caridad Moreno, Ph.D. However, Respondent admitted at an investigative hearing held on August 13, 2009 that he had terminated the therapy approximately a year ago. According to Respondent's response to the POD, he resumed treatment with Dr. Moreno in September 2009 and asked him to provide information to the Committee in writing.

Respondent argues that he has taken seriously all hearings and orders. In support, he points to an evaluation performed by Dr. Dyer in August 2008, which was required prior to licensure, as well as his compliance with the practice restrictions. Therefore, Respondent argues that he has complied with the Consent Order. Rather than a suspension of his license, Respondent requests that the Committee maintain the restrictions pending completion of certain courses and therapy.

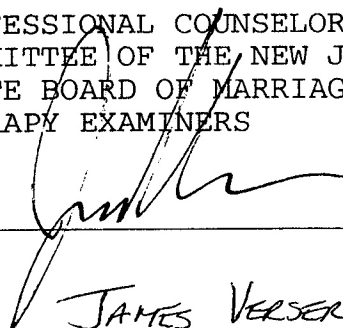
The Committee finds that the Consent Order was filed on May 8, 2008 and that Respondent's treatment with Dr. Moreno began prior thereto. Therefore, that treatment was not in compliance with the Consent Order. Further, the Committee has not approved, nor received a request to approve, Dr. Moreno or any other psychotherapist, as required by the Consent Order. Therefore, any present treatment is not in compliance with the Consent Order. Finally, Respondent admitted that he discontinued therapy more than a year ago, which is in violation of the Consent Order.

For all the foregoing reasons, the Committee finds that Respondent has not complied with the Consent Order in that he has

failed to attend individual, insight-oriented psychotherapy with an approved psychotherapist and also failed to ensure that quarterly reports were received by the Committee. The Committee has determined that there are no material facts in dispute and, therefore, no further proceedings are necessary.

ACCORDINGLY, IT IS on this 17<sup>TH</sup> day of December, 2009, ORDERED that Respondent's license to practice professional counseling in the State of New Jersey shall be, and hereby is, suspended until such time as Respondent demonstrates compliance with paragraph 2 of the "Consent Order of Licensure With Restrictions."

PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE NEW JERSEY  
STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS



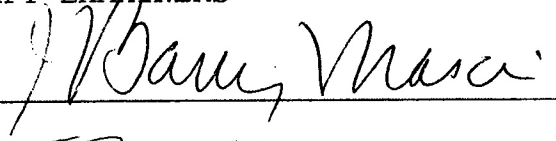
---

JAMES VERSER

failed to attend individual, insight-oriented psychotherapy with an approved psychotherapist and also failed to ensure that quarterly reports were received by the Committee. The Committee has determined that there are no material facts in dispute and, therefore, no further proceedings are necessary.

ACCORDINGLY, IT IS on this 17<sup>th</sup> day of December, 2009, ORDERED that Respondent's license to practice professional counseling in the State of New Jersey shall be, and hereby is, suspended until such time as Respondent demonstrates compliance with paragraph 2 of the "Consent Order of Licensure With Restrictions."

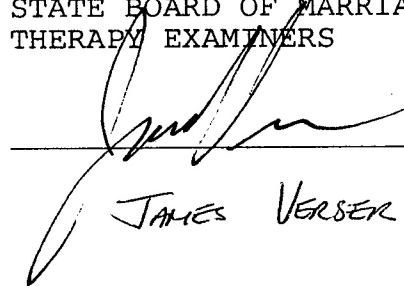
PROFESSIONAL COUNSELOR EXAMINERS  
COMMITTEE OF THE NEW JERSEY  
STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS

  
\_\_\_\_\_  
J. BARRY MASCARI

failed to attend individual, insight-oriented psychotherapy with an approved psychotherapist and also failed to ensure that quarterly reports were received by the Committee. The Committee has determined that there are no material facts in dispute and, therefore, no further proceedings are necessary.

ACCORDINGLY, IT IS on this 17<sup>TH</sup> day of December, 2009, ORDERED that Respondent's license to practice alcohol and drug counseling in the State of New Jersey shall be, and hereby is, suspended until such time as Respondent demonstrates compliance with paragraph 2 of the "Consent Order of Licensure With Restrictions."

ALCOHOL AND DRUG COUNSELOR  
COMMITTEE OF THE NEW JERSEY  
STATE BOARD OF MARRIAGE AND FAMILY  
THERAPY EXAMINERS



---

JAMES VERSER